

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JAY VANDEHEY,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner, Social Security Administration,

Defendant.

No. 3:17-cv-0890-HZ

OPINION & ORDER

George J. Wall  
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Portland, OR 97214

Attorney for Plaintiff

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Attorney for Defendant

HERNÁNDEZ, District Judge:

Plaintiff Jay Vendehey's Application to Proceed In Forma Pauperis ("IFP") is denied. A review of the application indicates that Plaintiff has sufficient financial resources that he may use to pay the filing fee in this case.

Plaintiff indicated that he withdrew \$11,000 from his IRA within the last twelve months and that \$22,000 remains in the IRA. Plaintiff also indicated that he has \$3,000 in his checking account, he owns a home that he purchased for \$80,000 in 2012, and he owns a vehicle worth approximately \$15,000. Plaintiff has no dependents, his monthly bills total \$110, and his property tax is approximately \$1,600 per year.

A litigant must show that he "cannot because of his poverty pay or give security for the costs and still be able to provide himself and dependents with necessities of life." *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). Litigants are not required to contribute their "last dollar" or "make themselves and their dependents wholly destitute." *Id.* Courts may look to the federal poverty guidelines as a reference point for determining whether granting IFP status is warranted. The 2017 federal poverty guidelines set the poverty threshold for a household with one person at \$12,060. See U.S. DEP'T OF HEALTH & HUMAN SERVS., Poverty Guidelines, <https://aspe.hhs.gov/poverty-guidelines> (Jan. 26, 2017). Given Plaintiff's assets, the Court finds that he has not demonstrated that he is unable to pay the filing fee. 28

U.S.C. § 1915(a)(1). Plaintiff is ordered to pay the filing fee within ten (10) days of the date of this Order. Failure to do so will result in the dismissal of the action.

CONCLUSION

Plaintiff's Application to Proceed In Forma Pauperis is DENIED.

Dated this 15 day of June, 2017.

Marco Hernández

MARCO A. HERNÁNDEZ  
United States District Judge